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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,628	02/20/2004	Takashi Murai	Q79816	4140

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EXAMINER

APPIAH, CHARLES NANA

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/781,628

Applicant(s)

MURAI ET AL.

Examiner

Charles N. Appiah

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Ayres et al. (US 2003/0078986).

Regarding claim 1, Ayres et al. discloses of a method for distributing multimedia (MM) information, which reads on claimed "video," to a mobile phone based on push technology, in which video information is distributed based on push technology from a Multimedia Distribution Kiosk (MDK, 12, 14, 16), which stores therein the said MM information to be distributed to the said mobile phone carrier by a user under control of a said MDK server (140), which includes a subscriber registration module (142) (see paragraphs [0039 and 0040], that controls user registration and video information distribution, comprising: a step of registering that a user makes a request for said MM information about a specific area to the said MDK server (142) in advance. See paragraphs [0009, 0010 and 0045]; Ayers discloses in paragraph [0030] of a presence detection module (114) that detects that the mobile phone carried by the user exists in the specific area, a step of, when it has been detected that the mobile phone exists in

the specific area, distributing the said MM information about the said specific area from the said MDK (12, 14, 16) to the said mobile phone based on the pushed technology. See paragraphs [0032, 0040, 0045 and 0099].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ayres et al. (US 2003/0078986) in view of Basu et al. (2003/0195940).

Regarding claims 2-3 Ayres discloses of a method for distributing multimedia (MM) information, which reads on claimed "video," to a mobile phone based on push technology, in which video information is distributed based on push technology from a Multimedia Distribution Kiosk (MDK, 12, 14, 16), which stores therein the said MM information to be distributed to the said mobile phone carrier by a user under control of a said MDK server (140), which includes a subscriber registration module (142) (see paragraphs [0039 and 0040], that controls user registration and video information distribution, comprising: a step of registering that a user makes a request for said MM information about a specific area to the said MDK server (142) in advance. See paragraphs [0009, 0010 and 0045]. Ayres fails to explicitly teach the step of detecting traffic of a radio channel connected to the mobile phone carried by the user and pushing

the video information from the video server to the mobile when the detected traffic is lower than a predetermined threshold.

In an analogous field of endeavor, Basu discloses a method for supervising the use of shared storage by multiple caching servers wherein an activity level table may be used to schedule pre-fetching and accessing content, for example, during the time interval 400am to 700am when network traffic is low (see page 5, [0051-0054]).

It would therefore have been obvious to one of ordinary skill in the art to provide for content distribution to satisfy requests subscribers.

Allowable Subject Matter

5. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Johnson (6,456,234) discloses a system and method for proactive content delivery by situation location.

Skog et al. (US 2002/0126708) discloses a multimedia messaging system.

Faris (US 2004/0021555) discloses a system for content communication to wireless devices.


Wu et al. (7,039,672) discloses a system for delivering content to mobile terminals using PUSH technology.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Appiah whose telephone number is 571 272-7904. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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CHARLES APPIAH
PRIMARY EXAMINER